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[CERTIFIED BY THE SUPREME COURT OF  
NEW JERSEY AS A CIVIL TRIAL ATTORNEY]

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December 18, 2017

Clerk  
Mitchell H. Cohen Building & U.S. Courthouse  
4th & Cooper Streets Room 1050  
Camden, NJ 08101

RE: Herizel Aparacio-Nazario vs. United States of America and Angel G. Rodriguez, j/s/a.

Dear Clerk:

Enclosed please find an original and copy of a Complaint and Civil Case Information Statement in the above captioned matter. Please file and return a "filed" copy to me in the envelope provided and charge our account #141014 for filing fees.

Thank you for your attention to this matter.

Very truly yours,

**TARGAN & PENDER**  
A Professional Corporation

By: Michael J. Pender

A handwritten signature of Michael J. Pender, consisting of a stylized 'M' and 'P' enclosed within a large, loopy oval.

Michael J. Pender, Esquire  
ID# 053651993

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HERIZEL APARACIO-NAZARIO,

Plaintiff,

v.

UNITED STATES OF AMERICA and  
ANGEL G. RODRIGUEZ, jointly, severally  
and in the alternative.

Defendants,

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

CIVIL ACTION NO.

COMPLAINT

Plaintiff, Herizel Aparacio-Nazario, states the following by way of complaint against the defendants:

THE PARTIES, JURISDICTION AND VENUE

1. Plaintiff, Herizel Aparacio-Nazario, resides at 209 Abbey Lane, in the City of Pleasantville, County of Atlantic and State of New Jersey.
2. The defendant, United States of America, through its designated agency, the United States Postal Service, operated the Atlantic City Post Office, located at 800 Absecon Boulevard in the City of Atlantic City, County of Atlantic and State of New Jersey.

3. Defendant, Angel G. Rodriguez, resides at 230 Churchill Drive in the Township of Egg Harbor, County of Atlantic and State of New Jersey.

4. Venue is laid in this judicial district pursuant to 28 USC section 1391(a).

### **FIRST COUNT**

1. On December 6, 2016, Plaintiff Herizel Aparacio-Nazario was a pedestrian on Albany Avenue in the City of Atlantic City, walking in the crosswalk near the intersection of Crossan Avenue.

2. At the aforementioned time and place, the defendant United States of America, owned, and its agent or employee, Angel G. Rodriguez, operated a United States Postal truck.

3. At the aforementioned time and place, Angel G. Rodriguez, caused the United States Postal truck that he was driving, to turn right from Crossan Avenue and onto Albany Avenue, into the crosswalk where Plaintiff was walking with the right of way.

4. At the aforementioned time and place, the United States Postal truck operated by Angel G. Rodriguez, struck Herizel Aparacio-Nazario as he was lawfully in the crosswalk on Albany Avenue, with the right of way.

5. Angel G. Rodriguez carelessly and negligently operated the motor vehicle by failing to yield to Plaintiff in the crosswalk. Further, Angel G. Rodriguez, did not stop once he struck Plaintiff in the crosswalk, but instead, continued to drive the United States Postal vehicle, dragging Plaintiff under the vehicle before coming to a stop.

6. Angel G. Rodriguez intentionally, recklessly and carelessly failed to report the incident to Police, deliberately depriving Plaintiff of care from trained emergency responders and causing further damage to Plaintiff. Instead, this defendant picked up Plaintiff from the street and placed

the badly injured Plaintiff in the United States Postal vehicle, leaving the scene without reporting the accident.

7. Next, the defendant, Angel G. Rodriguez, drove the United States Postal vehicle, with Plaintiff in it, several miles before dropping Plaintiff off at the Atlanticare Regional Medical Center without providing any information concerning Plaintiff's condition, the incident, or providing any information which would identify defendant Rodriguez.

8. Defendant Rodriguez left the hospital, deliberately attempting to avoid responsibility for the negligent harm inflicted upon Plaintiff.

9. As a direct and proximate result of the aforementioned actions of the defendant Rodriguez, the employer agent of the defendant United States of America, the Plaintiff, Herizel Aparacio-Nazario, was caused severe permanent bodily and psychological injuries, and has incurred, and in the future will incur, medical expenses and related expenditures, and was otherwise prevented from attending to his regular pursuits, employment duties and obligations.

10. In accordance with the requirements of law, a Standard Form 95 Claim for Damage, Injury or Death, was filed on behalf of the Plaintiff in this matter in a timely fashion, on January 5, 2017.

11. On December 4, 2017 the United States Postal Service formally denied Plaintiffs claim on the grounds that a mutually satisfactory settlement could not be reached.

12. Pursuant to 28 U.S.C. §2401(b) and 39 C.F.R. 912.9(a), this Complaint is filed within six (6) months of the Postal Service's mailing of the aforementioned Notice of Final Action.

**WHEREFORE**, the Plaintiff, Herizel Aparacio-Nazario, demands judgment on this count against the defendant, the United States of America, for compensatory damages in the

sum of \$5,000,000.00, interest, and costs of suit.

**JURY DEMAND**

The Plaintiff hereby requests a trial by jury as to all issues referred to in the Complaint.

**CERTIFICATION**

I certify that this matter is not the subject of any pending law suit or arbitration.

I further certify that no other parties should be joined in this action.

**DEMAND FOR ANSWERS TO INTERROGATORIES**

The Plaintiffs hereby demand that the defendants answer Form C and C1 Interrogatories within the time prescribed by the Rules of Court.

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to R. 4:25-4, Michael J. Pender, Esquire, is hereby designated as trial counsel in the above captioned litigation on behalf of Plaintiffs.

**TARGAN & PENDER**  
**Attorneys for Plaintiffs**

By: \_\_\_\_\_

Michael J. Pender

Dated: \_\_\_\_\_

12.18.17